

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AUDREY COLEMAN,	§	
	§	
Plaintiff,	§	
vs.	§	Civil Action No. 3:12-CV-4783-M-BH
	§	
BANK OF NEW YORK MELLON et. al,	§	
	§	
Defendant.	§	Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated June 19, 2014, and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

The *Motion to Dismiss Plaintiff's Amended Complaint by Defendants The Bank of New York Mellon, Bank of America, N.A., Mortgage Electronic Registration Systems, Inc., and ReconTrust Company, N.A.*, filed September 24, 2013 (doc. 79), is **GRANTED in part** and **DENIED in part**. Plaintiff's claims against Defendants for creation of a fraudulent lien under the Tex. Civ. Prac. & Rem. Code § 12.002(a), fraudulent misrepresentation, negligent supervision, quiet title, and violations of FTCA DTPA, RESPA, and FDCPA are **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted. Remaining for trial are Plaintiff's claims for fraud, wrongful foreclosure, negligent misrepresentation, slander of

title, civil conspiracy, declaratory judgment, violations of TILA and Regulation Z, and the Privacy Act.

SIGNED this 4th day of August, 2014.

Barbara M. G. Lynn
BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS